

**REMARKS**

Claims 1-46 are all the claims presently pending in the application. Claims 1, 2, 8-10, 13, 19, 24-26, 28, 34-39 and 41-42 have been amended to more particularly define the claimed invention.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant respectfully notes that claims 6, 9-14, 16-23 and 25-37 are not subject to any informality or prior art rejection. Therefore, these claims are presumably allowable. If the Examiner maintains that these claims are other than allowable, the Examiner should issue another non-final Office Action which explains the Examiner's position in detail so that Applicant can have an opportunity to respond to the Examiner's assertions.

Claims 1-5, 15, 38-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Muto Akihiro (JP 10-074221) in view of Asad et al (U.S. Patent No. 6,539,093). Claims 7, 8, 24, 41, 42 and 44-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Muto Akihiro (JP 10-074221), in view of Henley (U. S. Patent Publication No. 2002/0065758) further in view of Asad et al (U.S. Patent No. 6,539,093).

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner and even if combined, the alleged combination would not teach or suggest each and every element of the claimed invention.

However, in the interest of expediting prosecution, Applicant would point out to the Examiner that the Asad patent et al. (U.S. Patent No. 6,539,093) is commonly assigned with the present Application (see Assignment Recorded in the Present Application at Reel/Frame 010829/0371).

Therefore, since the Asad Patent is at best a 35 U.S.C. §102(e) reference, pursuant to 35 U.S.C. §103(c), the Asad Patent cannot be used to reject the present Application under 35 U.S.C. §103(a). That is, the Asad Patent is not prior art against the present Application.

Applicant respectfully notes that the claims of the present Application are subject only to prior art rejections which are based on an alleged combination including the Asad Patent. Therefore, Applicant respectfully requests that the Examiner withdraw all of the prior art rejections in the present Application.

In view of the foregoing, Applicant submits that claims 1-46, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



---

Phillip E. Miller, Esq.  
Registration No. 46,060

Date:

2/22/05  
**McGinn & Gibb, PLLC**  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**